

**BEFORE THE COMMISSIONER OF INSURANCE  
OF THE STATE OF KANSAS**

<b>FINAL ORDER</b>
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Effective: 01/27/04
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In the Matter of the Kansas Nonresident )	
Insurance Agent's License of )	Docket No. 3260-SO
BRUCE M. TERRY )	

**SUMMARY ORDER**

**(Pursuant to K.S.A. 2002 Supp. 40-4909 and K.S.A. 77-537)**

Pursuant to authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 2002 Supp. 40-4909, the Commissioner hereby revokes the nonresident agent's license of Bruce M. Terry ("Terry") by way of Summary Order as provided by K.S.A. 77-537.

**Findings of Fact**

The Commissioner has been shown the following facts:

1. Records maintained by the Kansas Insurance Department ("KID") indicate that Terry is licensed as a nonresident agent to transact the business of insurance in the State of Kansas, and has been so licensed since April 16, 2002. KID records further indicate a legal and mailing address of 129 Brandon Court, D33, Palatine, IL 60067-3479.

2. The National Association of Insurance Commissioners ("NAIC") Regulatory Information Retrieval System ("RIRS") database reflects the following information: Following a 1997 license suspension for failure to pay tax and a 1999 consent order concerning failure to pay tax, Terry's Illinois insurance agent's license was revoked, effective June 29, 2003, because of failure to comply with a previous order. Terry's Texas license was subsequently revoked, effective September 2, 2003, for failure to comply with a previous order and demonstrated lack of fitness or trustworthiness.

### **Applicable Law**

3. K.S.A. 2002 Supp. 40-4909(a) provides, in relevant part:

“The commissioner may deny, suspend, revoke or refuse renewal of any license issued under this act if the commissioner finds that the applicant or license holder has . . . (2) Violated . . . (C) any insurance law or regulation of another state; or (D) any subpoena or order issued by the regulatory official for insurance in another state. . . . (9) Had an insurance agent license, or its equivalent, denied, suspended or revoked in any other state, district or territory.” K.S.A. 2002 Supp. 40-4909(a).

4. K.S.A. 2002 Supp. 40-4906 and 4908 provide for issuance of a nonresident agent’s license in reliance upon the agent’s valid license in the agent’s home state.

5. The Commissioner may revoke any license issued under the Insurance Agents Licensing Act if the Commissioner finds that the insurable interests of the public are not properly served under such license. K.S.A. 2002 Supp. 40-4909(b).

### **Conclusions of Law**

6. The Commissioner has jurisdiction over Terry as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

7. The Commissioner finds that Terry’s has had an insurance agent’s license revoked in his home state of Illinois and in Texas.

8. The Commissioner finds that Terry’s Kansas license may be revoked solely because Terry has had an agent’s license revoked in another state.

9. The Commissioner finds, in addition, that Terry’s Kansas license may be revoked because it is based on reciprocity, and Terry’s license in his home state of Illinois has been revoked.

10. Moreover, the Commissioner finds that Terry’s Kansas license may be revoked because Terry has violated an insurance law or regulation or an order of the insurance regulatory official of another state.

11. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent's license of Bruce M. Terry pursuant to K.S.A. 2002 Supp. 40-4909(a).

12. In addition, the Commissioner finds that the insurance agent's license of Bruce M. Terry should be revoked without delay for the protection of the insurable interests of the public pursuant to K.S.A. 2002 Supp. 40-4909(b).

13. Based on the facts and circumstances set forth herein, it appears that the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of the law and the protection of the public interest does not require the KID to give notice and opportunity to participate to persons other than Bruce M. Terry.

**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas resident insurance agent's license of Bruce M. Terry is hereby REVOKED.**

**Notice and Opportunity for Hearing**

Bruce M. Terry, within fifteen (15) days of service of this Summary Order, may file with the KID written request for a hearing on this Summary Order, as provided by K.S.A. 77-542. In the event a hearing is requested, such request should be directed to John W. Campbell, General Counsel, Kansas Insurance Department, 420 S.W. 9<sup>th</sup> Street, Topeka, KS 66612.

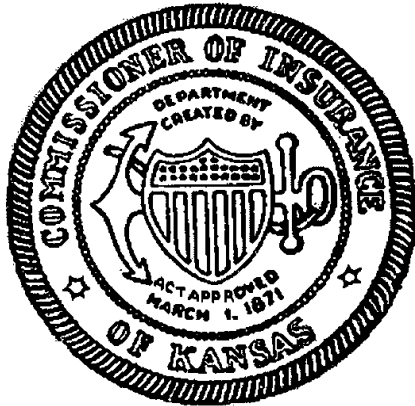
Any costs incurred as a result of conducting any administrative hearing shall be assessed against the agent who is the subject of the hearing as provided by K.S.A. 40-4909(f). Costs shall include witness fees, mileage allowances, any costs associated with the reproduction of

documents which become part of the hearing record, and the expense of making a record of the hearing.

If a hearing is not requested, this summary order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen-day period for requesting a hearing.

The Final Order will constitute final agency action in this matter.

**IT IS SO ORDERED THIS 9th DAY OF JANUARY 2004, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**



/s/ Sandy Praeger  
Sandy Praeger  
Commissioner of Insurance  
BY:

/s/ John W. Campbell  
John W. Campbell  
General Counsel

**NOTICE:** In the event the Petitioner files a petition for judicial review, the agency officer designated pursuant to K.S.A. 77-613(e) to receive service of a petition for judicial review on behalf of the KID is John W. Campbell, General Counsel, Kansas Insurance Department, 420 S.W. 9<sup>th</sup> St., Topeka, KS 66612-1678.

**Certificate of Service**

The undersigned hereby certifies that she served a true and correct copy of the above and foregoing **Summary Order** on this 9th day of January 2004, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Bruce M. Terry  
129 Brandon Court, D33  
Palatine, IL 60067-3479

/s/ Brenda J. Clary \_\_\_\_\_  
Brenda J. Clary